

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

ANGELIA D. BEARD,)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	
AFFINITY HEALTHCARE, INC., et al.,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendant Affinity Healthcare, Inc. ("Removing Defendant") files this Notice of Removal of the above-captioned matter from the Circuit Court of Pemiscot County, Missouri to the United States District Court, Eastern District of Missouri, Southeastern Division, pursuant to Federal Rule of Civil Procedure 81(c) and 28 U.S.C. Sections 1332, 1441 and 1446. In support of this Notice of Removal, Removing Defendant, states:

Introduction

1. This is a slip and fall case. Plaintiff Angela D. Beard filed suit in the Circuit Court of Pemiscot County, Missouri, Case No. 18PE-CC00275 on July 17, 2018. Defendants have filed Answers to Plaintiff's Petition denying liability for Plaintiff's injuries.

2. Removing Defendant was served with Summons on July 23, 2018. Removing Defendant timely filed this Notice of Removal within the thirty (30) day time period required by 28 U.S.C. Section 1446(b), and within thirty (30) days of Removing Defendant's first receipt of the Summons and Petition filed on behalf of Plaintiff, and within one (1) year of the commencement of this action.

Basis for Removal

3. Removal is proper because there is diversity between the parties. Plaintiff is a citizen of the State of Arkansas. All Defendants are citizens of the State of Missouri.

4. The amount in controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), excluding interest and costs, in accordance with 28 U.S.C. Section 1332(a).

Jury Demand

5. Removing Defendant hereby makes a demand for trial by jury.

The Notice of Removal is Procedurally Correct

6. Removing Defendant's Notice of Removal is procedurally correct. Removing Defendant was served with a copy of the Petition on July 23, 2018, and has filed this Notice of Removal.

7. Pursuant to 28 U.S.C. Section 1446(a) and Local Rule 81-2.03, a copy of all process, pleadings, process, orders and all other filings in the state court action are attached hereto as **Exhibit A**, including, without limitation, a printout of the state court's most recent docket sheet.

8. Venue is proper in this district under 28 U.S.C. Section 1441(a) because this district and division embrace the county in which the removed action has been pending.

9. All Defendants have consented to the removal of this action.

10. The Notice to state court of filing of Notice of Removal will be promptly filed with the clerk of the Circuit Court of Pemiscot County.

WHEREFORE, Defendant Affinity Healthcare, Inc. requests that this Notice of Removal be filed; that this action currently pending in the Circuit Court of Pemiscot County, Missouri be

removed to and proceed in this Court and that no further proceedings be had in this case in the Circuit Court of Pemiscot County.

Respectfully submitted,

THE LIMBAUGH FIRM
407 N. Kingshighway, P.O. Box 1150
Cape Girardeau, MO 63702-1150
Telephone: (573) 335-3316
Facsimile: (573) 335-1369
Email: jgrimm@limbaughlaw.com

By /s/ John W. Grimm
John W. Grimm - #34834MO

ATTORNEYS FOR DEFENDANT
AFFINITY HEALTHCARE, INC.

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2018, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all attorneys of record.

/s/ John W. Grimm